

10. Pursuant to 40 C.F.R. § 122.6, the conditions of an expired NPDES permit continue in force until the effective date of a new permit if the permittee has submitted a timely and complete re-application under 40 C.F.R. § 122.21.
11. On March 17, 1997 Respondent submitted a permit renewal application.
12. On June 10, 1997, EPA issued Respondent written notification that the permit renewal application appeared to be complete and that the conditions of the 1992 permit would continue in force until a new permit is issued and becomes effective.
13. The NPDES Permit authorizes Respondent to discharge pollutants to the Connecticut River from point sources including point sources identified as Outfalls 002 and 004 at the Facility, subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit.
14. Part I.A.3.a. of the NPDES Permit includes, among other things, discharge limitations for total suspended solids ("TSS") from Outfall 004. The average monthly discharge limitation is 30 mg/l. The maximum daily limitation is 100 mg/l.
15. Respondent discharged storm water from Outfall 004 to the Connecticut River containing TSS in excess of the average monthly limit in the NPDES Permit during the months of November 2008, December 2008, March 2009, April 2009, and May 2009.
16. Respondent discharged storm water from Outfall 004 to the Connecticut River containing TSS in excess of the maximum daily limit in the NPDES Permit during the months of November 2008, December 2008, April 2009, and May 2009.
17. Part I.A.2.a. of the NPDES Permit includes, among other things, discharge limitations for total suspended solids ("TSS") for discharges from Outfall 002. The average monthly discharge limitation is 30 mg/l.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

IN THE MATTER OF	)	
	)	
Mt. Tom Generating Company, LLC	)	COMPLAINT AND NOTICE OF
Route 5, Smith's Ferry	)	NOTICE OF OPPORTUNITY FOR
Holyoke, Massachusetts 01040	)	HEARING
	)	
	)	Proceeding to Assess a Class II Civil
	)	Penalty under Section
NPDES Permit No. MA0005339	)	309(a) of the Clean Water Act,
	)	as amended, 33 U.S.C. § 1319(a)
	)	
	)	DOCKET No. CWA-01-2010-0059

**I. STATUTORY AUTHORITY**

1. This Administrative Complaint ("Complaint") is issued under the authority vested in the U.S. Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act (the "Act"), 33 U.S.C. § 1319(g), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. §§ 22.1-22.52 ("Consolidated Rules of Practice").
2. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and in accordance with the Consolidated Rules of Practice, Complainant hereby provides notice of a proposal to assess a civil penalty against Mt. Tom Generating Co., LLC ("Respondent") for failing to comply with the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit and, therefore, violating Section 301(a) of the Act, 33 U.S.C. § 1311(a).